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September 8, 2014

The Honorable Steve Southerland II  
1229 Longworth HOB  
Washington, DC 20515

Dear Representative Southerland,

The International Council of Shopping Centers (ICSC) commends you for the introduction of H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act. ICSC expresses its thanks for your close examination of the impacts of the proposed joint rulemaking by the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) to change the scope of federal jurisdiction under the Clean Water Act (CWA).

Founded in 1957, ICSC is the premier global trade association of the shopping center industry. Its more than 63,000 members in over 100 countries include shopping center owners, developers, managers, investors, retailers and brokers, as well as public officials. Recognizing the need for a clean environment and the benefits that it brings to communities, ICSC members have a vested interest in preserving and protecting our nation's land and water resources. As environmental stewards, shopping center developers construct vital business districts and help create thriving communities while maintaining, protecting and enhancing our natural resources.

ICSC appreciates the decades of partnership between federal, state, and local governments to achieve the objectives of the CWA. H.R. 5078 requires EPA and the Corps engage in meaningful consultation with relevant state and local officials to formulate recommendations for a consensus regulatory proposal that would identify the scope of waters to be covered under the CWA, and those waters to be reserved for the states to determine how to regulate. This requirement also addresses the recent appeal by the U.S. Conference of Mayors (USCM); at the group's annual meeting in June 2014, USCM passed a policy resolution to require EPA and the Corps to engage local governments and other stakeholders in drafting a rule that addresses the full economic impact for all sections of the CWA.

The proposed rule does not add new protections for our nation's water resources, but instead inappropriately shifts the jurisdictional authority of many new waters to the federal agencies. In light of the significant impacts that this rule will have on job creation in industries such as real estate, construction, and transportation and infrastructure, the importance of getting the rule "right" cannot be overstated. H.R. 5078 makes significant strides in avoiding costly and burdensome new rules for property owners and the state and local partners that have provided a legacy of precise guidance for the regulated community.

Thank you for your leadership on this important issue.

Sincerely,

Abby Jagoda  
Director of Federal Government Relations

**International Council of Shopping Centers**

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